

DE LAFORCADE  
Appl. No. 09/787,365  
November 19, 2003

### REMARKS

Reconsideration is requested.

Claims 1-24 and 44 have been canceled, without prejudice. Claims 47 and 48 have been added and find support in claims 25, 43 and 44.

The Examiner's indication that claim 44 contains allowable subject matter is acknowledged, with appreciation. See, page 5 of the Office Action dated August 19, 2003 (Paper No. 16). At a minimum, claims 47 and 48 are submitted to be in condition for allowance.

The objection of claims 41 and 42 stated on page 2 of Paper No. 16 is traversed. The Examiner is requested to reconsider and withdraw the "requirement" to amend the term "appreciably" to "approximately".

The Examiner has not rejected claims 41 or 42 based on this "requirement".

The Examiner has not asserted that the claim language is indefinite or that the claim language is not supported by an adequate written description. The applicants submit that the objected-to recitation is definite and supported by the disclosure. Moreover, the applicants submit that the term "appreciably" is more appropriate in the objected-to claims than the Examiner-required "approximately".

Specifically, the applicants submit that the term "appreciably" (i.e., "capable of being noticed, estimated or measured" see, attached page 119 of WEBSTER'S II New Riverside University Dictionary (1984) Houghton Mifflin Company), rather than "approximately" (i.e., "approximate - nearly exact, similar, to be nearly the same as" id. Spanning pages 119-120 (attached)), accurately describes that the tabs have a length

DE LAFORCADE  
Appl. No. 09/787,365  
November 19, 2003

clearly greater than the length of the nozzle. The Examiner is requested to reconsider and withdraw the objection to claims 41 and 42.

To the extent not obviated by the above amendments, the Section 102 rejection of claims 26, 28, 30, 32, 34, 36, 38, 45 and 46 over Mennesson (FR 2607786) is traversed. Consideration of the following distinguishing comments in this regard is requested.

The Examiner appears to assert that the gripping portion of the cap of the cited document are formed by threads. The applicants submit however that, at a minimum, there is no description, either literally or inherently, in the cited art of the capillary effect of the presently claimed invention, such as in claim 26. Claim 26 indicates that the liquid containment element is capable of retaining the liquid in the container when the gripping portion of the cap is engaged to the nozzle. Such a feature, for example, is not literally or inherently disclosed by Mennesson.

As the cited art fails to teach or suggest each and every aspect of the presently claimed invention, the claims are submitted to be patentable over Mennesson. Withdrawal of the Section 102 rejection based on the same is requested.

The Section 102 rejection of claims 25, 27, 29, 31 and 43 over Baugh (U.S. Patent No. 3,596,349) is traversed. Reconsideration and withdrawal of the rejection are requested in view of the following distinguishing remarks.

The applicants believe that U.S. Patent No. 3,592,349 (Baugh) describes a plastic container equipped with a cap. The nozzle of the container has an outer portion provided with an annular rib protruding outwardly and defined by a frustoconical surface relatively high axially in the upper part and on the lower part by a frustoconical surface

DE LAFORCADE  
Appl. No. 09/787,385  
November 19, 2003

clearly closer to a radial plane and that seems to be perpendicular to the frustoconical surface of the upper part.

The cap comprises an outer annular skirt provided with surfaces complementary to the outer surface of the nozzle, and an inner annular skirt for cooperating with the bore of the nozzle. Moreover, an opening is provided in the center of the radial part of the nozzle.

The Examiner appears to consider the opening 19 equalizes the pressure inside the container and outside the container when the cap is partially gripping the nozzle (see Figure 2). The applicants submit however that the position shown on Figure 2 is not a gripping position because the gripping means are inactive. The frustoconical surface 15 of the nozzle and the frustoconical surface 26 of the skirt of the cap are not in contact one with another. The applicants believe that the cap provided with an opening in the radial part is deprived of obturating means because of the opening 19. Consequently, the applicants submit that the claims are patentable over the cited U.S. patent.

The Examiner is requested to indicated in the Examiner's next Communication that the formal drawings filed May 4, 2001 are acceptance.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned if anything further is required in this regard.

DE LAFORCADE  
Appl. No. 09/787,365  
November 19, 2003

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: \_\_\_\_\_



B. J. Sadoff  
Reg. No. 36,663

BJS  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100

Words that are believed to be registered trademarks have been checked with authoritative sources. No investigation has been made of common-law trademark rights in any word, because such investigation is impracticable. Words that are known to have current registrations are shown with an initial capital and are also identified as trademarks. The inclusion of any word in this Dictionary is not, however, an expression of the Publisher's opinion as to whether or not it is subject to proprietary rights. Indeed, no definition in this Dictionary is to be regarded as affecting the validity of any trademark.

Copyright © 1984, 1988 by Houghton Mifflin Company. All rights reserved.

No part of this work may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying and recording, or by any information storage or retrieval system without the prior written permission of Houghton Mifflin Company unless such copying is expressly permitted by federal copyright law. Address inquiries to Permissions, Houghton Mifflin Company, 2 Park Street, Boston, MA 02108.

Library of Congress Cataloging in Publication Data  
Main entry under title:

Webster's II new Riverside university dictionary.

I. English language—Dictionaries. I. Riverside Publishing Company. II. Title: Webster's two new Riverside university dictionary. III. Title: Webster's 2 new Riverside university dictionary.

PE1625.W244 1984 423 83-3799

ISBN: 0-395-33957-X (thumb index, trade edition)

0-395-37928-8 (high school edition)

Manufactured in the United States of America



